

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

In re: DAVID HARVILLA)	
<u>Debtor</u>)	
)	CHAPTER 13
ACAR LEASING LTD)	
d/b/a GM FINANCIAL LEASING)	Case No.: 20-12645 (MDC)
<u>Moving Party</u>)	
)	Hearing Date: 10-27-20 at 10:30 AM
v.)	
)	11 U.S.C. 362
DAVID HARVILLA)	
<u>Respondent</u>)	
)	
WILLIAM C. MILLER)	
<u>Trustee</u>)	
)	
)	
)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now ACAR Leasing LTD d/b/a GM Financial Leasing (“ACAR”) filing this its Motion For Relief From The Automatic Stay (“Motion”), and in support thereof, would respectfully show:

1. On June 16, 2020, David Harvilla filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361 and 362, and 28 U.S.C. 157 and 1334.
3. On November 27, 2017, the Debtor executed a Closed End Vehicle Lease Agreement for the lease of a 2017 Chevrolet Trax bearing vehicle identification number 3GNCJNSBXHL286158. The Lease was assigned to ACAR Leasing and the Debtor became indebted to ACAR in accordance with the terms of same. ACAR Leasing is the owner of the vehicle. Wells Fargo NA is the Collateral Agent for the vehicle. True copies of the Lease Agreement and Title to the vehicle are annexed hereto as exhibits A and B.

4. The Debtor surrendered the vehicle to the dealership on September 9, 2020.

5. ACAR Leasing LTD d/b/a GM Financial Leasing alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that ACAR lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) ACAR Leasing has possession of the vehicle and requires stay relief in order to process and sell it.

WHEREFORE PREMISES CONSIDERED, ACAR Leasing LTD d/b/a GM Financial Leasing respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to ACAR to permit ACAR to seek its statutory and other available remedies; (2) that the stay terminate upon entry of this Order pursuant to the authority granted by Fed.R.Bank.P., Rule 4001(a)(3) and (3) ACAR be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

William E. Craig

Morton & Craig LLC

110 Marter Avenue, Suite 301

Moorestown, NJ 08057

Phone: 856/866-0100, Fax: 856/722-1554

Local Counsel for ACAR Leasing LTD

d/b/a GM Financial Leasing